

**Minutes for the Seminole County
Land Planning Agency/Planning and Zoning Commission
December 3, 2003 – 7:00 P.M.**

Members present: Ben Tucker, Thomas Mahoney, Richard Harris, Alan Peltz, Chris Dorworth, Beth Hattaway, and Dudley Bates

Also present:

Rebecca Hammock, Principal Planner
Tina Deater, Senior Planner
Jeff Hopper, Senior Planner
Tony Matthews, Principal Planner
Matt West, Planning Manager
Tony Walter, Assistant Planning Manager
Karen Consalo, Deputy County Attorney
Mahmoud Najda, Development Review Manager
Candace Lindlaw-Hudson, Senior Staff Assistant

The meeting was called to order by the Chairman at 7:00 P.M. Commissioner Tucker reviewed for the audience the procedures for conducting the meeting, voting, and audience participation.

The proof of publication was accepted by unanimous consent.

The minutes were approved as presented by unanimous consent.

Technical Review Items:

A. ELLINGTON ESTATES PSP; Acorn Development Co. /Sandra Bierly, Applicant; Approximately 18.79 acres; Preliminary Subdivision Plan for a 30 lot residential subdivision zoned R-1AA; Located on the West side of S.R. 434, North of Artesia Street and East of Shangri La Lane in Section 25, Township 20, Range 31.

Commissioner Morris – District 2
Rebecca Hammock, Principal Planner

Rebecca Hammock introduced the location of the application for a 30 lot subdivision which would have minimum lot sizes of 14,700 square feet. Homes would have septic tanks and use Oviedo water. Staff recommendation was for approval.

Commissioner Dorworth made a motion to recommend approval.

Commissioner Harris seconded the motion.

The motion passed by a vote of 7 – 0.

B. Heathrow International Business Center PUD; Meredith Harper-Pickens, applicant; minor amendment to the Heathrow International Business Center Planned Unit Development Final Master Plan to denote/clarify a full access onto CR 46A from the proposed Business Center Drive extension, and to add an additional access point on CR 46A, west of International Parkway. The subject property is generally located at the southwest junction of CR 46A (portions also known as H. E. Thomas, Jr., Parkway) and International Parkway. (Z2003-048).

Commissioner McLain – District 5
Tony Matthews, Principal Planner

Mr. Matthews reviewed the locations of the 2 curb cuts being requested. Staff recommendation was for approval. This request will be presented to the Board of County Commissioners on December 9, 2003. This access will be used for potential future development.

Commissioner Mahoney made a motion to recommend approval.

Commissioner Hattaway seconded the motion.

The motion passed by unanimous consent. (7 – 0)

C. Forest Lake PUD Major Amendment; Gallimore Development /Ellsworth Gallimore and Rob Matthews, applicants; 128.81 acres zoned PUD; major amendment to an existing PUD on property located on the south side of Sand Lake Rd., 0.4 mile east of Hunt Club Blvd. (Z1990-019)

Commissioner VanDerWeide – District 3
Tina Deater, Senior Planner

Tina Deater stated that the applicants, Rob Matthews of Zev Cohen & Associates and Ellsworth Gallimore of Gallimore Development, request a major amendment to an existing PUD agreement, which consists of relocating a recreation tract and clarifying the minimum setback requirements for pools and pool screen enclosures on single-family lots. The subject property has a PUD (Planned Unit Development) zoning classification and a PD (Planned Development) future land use.

The Final Master Plan was originally approved by the BCC on December 12, 1995. The applicants are proposing to move Recreation Tract F (approximately 2 acres) from the north central part of the PUD to the southwest side. This change will not affect the other proposed uses within the PUD. However, the new location of the recreation tract may impact the subdivision to the west with noise. Three conditions are recommended by staff to help with this: 1) No lighting of the recreation area shall

be allowed, 2) Hours of use shall be limited to daylight hours, with signs indicating these hours, and 3) A six foot masonry wall shall be placed along the west property line where the recreation area abuts the adjacent subdivision.

Also noted were the change in setbacks for pools and pool screen enclosures:

Side setbacks: Pools – to be 7.5 feet; pool screen enclosures - to be 5 feet

Rear setbacks: Pools – to be 8 feet; pool screen enclosure – to be 6 feet

Staff recommendation was for approval of the request with the conditions contained within the staff report.

Commissioner Harris asked what was going on the land that was no longer going to be recreation area.

Ms. Deater stated that it would be used for residences.

Commissioner Tucker asked about the lighting impacts.

Ms. Deater indicated the location on the map of adjacent housing that where lighting could be an issue.

Commissioner Mahoney stated that he was concerned about safety in having unlighted recreational uses.

Matt West showed the location of the park on an aerial photo in relation to the Pace School and Sandy Lane.

Mr. Gallimore stated that he would be willing to put in a brick wall by the Signature development and that he would do lighting for security reasons.

Sam Hamilton, speaking for the applicant, stated that he does not normally put lights on the outside amenities, such as proposed in this project. He said that he would put in the brick wall according to staff recommendations. He was not sure about safety involved in the lighting part of the report.

Commissioner Harris agreed. He stated that he saw no reason to ban lighting. It is not a good policy to prohibit lighting. If the need arises, let the people get approval.

Commissioner Peltz recommended leaving it up to the builder.

Ken Watkins from Signature Homes said that he was not in favor of lights on the courts. I would be negative impact to the houses he was building.

Commissioner Tucker asked if the lights were regulated so as not to intrude into the lots of the adjacent houses, would that be OK?

Mr. Watkins said that those conditions would be good.

Kathy Berry, an adjacent neighbor to the site, stated that she was confused as to what was to go on here.

Commissioner Tucker said that everything that was approved for the PUD in 1995 will not change.

Mr. West stated that the only piece of property being affected is the 2 acre parcel on the west side of the property.

Ms. Berry was concerned about the roads; they are obsolete now. Now there will be construction coming into the area with this project, along with the Sandy Lane development.

Commissioner Tucker stated that the only thing being addressed is the moving of the recreation area and the setbacks.

Mr. Najda stated that he thought the Sand Lake Road area would be improved within 3 to 4 years. It was a Public Works scheduled item.

Mr. Gallimore stated that it would be over a year before the houses are begun. Build out for the 112 houses would be less than 3 years.

The public hearing was now closed.

Commissioner Mahoney made a motion to approve the request subject to the requirement that a 6 foot high masonry wall be installed on the west side where the property abuts the neighboring subdivision.

Commissioner Tucker asked if the lighting was to be addressed.

Commissioner Mahoney said it would not be.

Commissioner Peltz seconded the motion.

There was no discussion.

The motion passed by unanimous consent. (7 – 0)

D. Myrtle Street Special Area Concept Study - Phase III; County Staff is conducting a planning study to prepare an implementation plan for the Conservation Village Design Concept for Sub-Area 1 located in the Myrtle Street Study Area. Sub-Area 1 consists of approximately 621 acres in the southwestern portion of the Myrtle Street Study Area.

Commissioner McLain – BCC - District 5
Tony Walter, Assistant Planning Manager

Mr. Walter requested that this item be continued until the January 7, 2004 meeting to allow committee work to be finished on the project.

Commissioner Harris made a motion to continue this to the January 7, 2004 meeting.

Commissioner Peltz seconded the motion.

The motion passed by a vote of 7 – 0.

E. Orange Blvd. Rezone; M/I Homes, Eric Wills, applicant; rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 10.31 acres, and Small Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) on 9.50 acres; located north side of Orange Blvd., 300 feet west of N. Oregon Street. (Z2003-042 /12-03SS.01).

Commissioner McLain - District 5
Jeffrey Hopper, Senior Planner

Mr. Hopper stated that the applicant proposes a Small Scale Land Use Amendment from SE to PD and a rezone from A-1 to PUD on four lots comprising 10.31 acres. The proposed development would consist of 37 single-family homes at a minimum lot size of 5,500 square feet. Development in this area is characterized by agricultural and low-density single-family development. Adjacent areas to the west are developing with densities of 4 units per acre or less. A commercial warehouse complex, located 0.3 mile east of the subject property, has been approved with PCD zoning. This creates the potential for gradually increasing densities and intensities from west to east, a trend originating with the Retreat at Wekiva and ending at Fossitt Warehouse at Missouri Ave. The future land use designation of SE, currently assigned to the subject property, permits single-family residential development up to a maximum density of 1 dwelling unit per net buildable acre. The properties are currently zoned A-1, which implements the permitted density allowed by the SE future land use. One of the subject parcels contains a single family home, while the others are vacant.

Mr. Hopper stated that staff recommendation was for approval with the following conditions:

- a. Net density within the area of the Land Use Amendment shall not exceed 4.5 units per net buildable acre.
- b. Maximum building height shall be 35 feet.
- c. Lots shall be no less than 50 feet in width and 5,500 square feet in size.
- d. Permitted uses shall be single family homes, home occupations, and home offices.
- e. Required building setbacks shall be as follows:

<i>Residential Units</i>	
front	23' *
side	5'
side street	15'
rear	20'
*to be measured from front of structure to property line or edge of sidewalk nearest the house, whichever distance is less	

<i>Accessory Buildings less than 200 s.f.</i>	
side	5'
side street	15'
rear	5'

<i>Pools and Screen Enclosures</i>		
	Screen Enclosure	Pool
front	20'	22'
side	5'	7'
side street	15'	17'
rear	3'	5'

- f. Minimum house size shall be 1,100 square feet.
- g. The site shall include 25% usable common open space, to be evaluated at Final Master Plan approval.
- h. Where counted toward required open space, all retention ponds shall be configured as site amenities per Section 30.1344. This shall be evaluated at Final Master Plan approval.
- i. A 6-foot masonry wall and 4 canopy trees per 100' linear feet shall be provided along the Orange Blvd. frontage.
- j. Recreational uses to be provided within designated open space shall be established in the Final Master Plan.
- k. Developer shall dedicate sufficient right-of-way on Orange Blvd. to meet County standards, as determined at Final Master Plan review.

Commissioner Tucker expressed concern about the last item in the conditions, pertaining to the right-of-way and ditches long the road for drainage with no ingress/egress aprons. How is this to be addressed?

Matt West stated that the applicant only has to submit a "bubble plan" at this time. These questions will be answered at the time of final master plan submission.

Mahmoud Najda stated that turn lanes, turn ins and turn outs will be evaluated at the final engineering submittal.

Commissioner Mahoney stated that item K is disturbing for him also. He asked how the right-of-way issue is handled.

Mr. Najda stated that a rational nexus is used to determine the needed amount of right-of-way at the final engineering stage.

Commissioner Mahoney asked who the arbiter was in such cases.

Mr. Najda stated that the County Engineer was the person who made the final call on such issues. If the decision is not liked, it can be appealed to the Board of County Commissioners.

Commissioner Tucker asked about the status of Ohio Avenue. Is it public or private?

Mr. West stated that it is 30 feet wide and it appears to dead end.

Mr. Hopper stated that the tax map shows it as a 30 foot public right of way.

Steve Mellich stated that there are 25 foot right of way dedications on the current site plan for Orange Boulevard. He will enhance the entrance by extending the left turn lane and tapering the lane for the right turn out at the time of final engineering.

Bob Bugnacki of 5352 Orange Boulevard stated that he was in opposition to the application. He stated that when Astor Farms was first denied it was requested that the area of 165 acres would be studied. He would like to see more trees on Orange Boulevard. A 23 foot setback is not enough room for cars. Mr. Bugnacki had a recommendation for a Development Order:

1. A wall should be placed along Orange Blvd. with 4 canopy trees and sub canopy drought tolerant bushes along the wall.
2. A wall should surround the entire subdivision.
3. There should be 2 trees per back yard.
4. Front setbacks should be 25 feet.
5. Side setbacks should be 7.5 feet.

Steve Mellich stated that the plan is for 4.02 units per acre now. That is consistent with the zoning. In giving the history on the area, Mr. Mellich stated that Low Density Residential future land use is an administrative change, south of Orange

Boulevard. Changes north of Orange Boulevard would be applicant driven. As for the setbacks, he is trying to be consistent with the area.

Commissioner Tucker said that the Retreat at Wekiva has many cars protruding because of the setbacks there.

Mr. Mellich stated that this neighborhood will be modeled after Woodsong, as far as the air conditioning unit and pool pump placement is concerned.

Commissioner Hattaway asked about the trees.

Eric Wills of MI Homes stated that there would be landscaping along the wall.

The public hearing was now closed.

Commissioner Harris made a motion to recommend approval, noting that attention should be paid to the placement of trees on the final site plan.

Commissioner Mahoney seconded the motion.

The motion passed by a vote of 7 – 0.

F. Deep Lake PUD; Mike Jones, Esq., applicant; Major Revision to PUD Preliminary Master Plan for the development of mixed residential and commercial uses; approximately 18.66 acres located on the south side of SR 426, and the west side of Deep Lake Road (Z2003-049).

Commissioner Maloy - District 1
Jeffrey Hopper, Senior Planner

Mr. Hopper introduced the request stating the applicant is proposing a major change to the Preliminary Master Plan for the development, approved in April 2002. As compared to the original plan, the requested change involves an increase in residential townhome units from 65 to a maximum of 100. Other changes include a reduction in office-commercial land area from 4.4 to 3.4 acres, and relocation of retention to an off-site facility.

The applicant is now proposing a temporary access along the existing alignment of Deep Lake Road on the east side of the subject property.

In the future, when the neighboring Clayton property to the east is developed, Deep Lake PUD would tie into a planned signalized intersection on that property if an agreement is reached allowing this shared access to occur. Without such an agreement, Deep Lake would then provide a new access to be located on the west edge of the subject property, some 500 feet or more west of the planned

intersection. In either case, the temporary access on Deep Lake Road would be withdrawn from use by Deep Lake PUD. At this point the road would either be vacated and closed, or returned to its pre-development condition as an unpaved 14-foot easement.

Mr. Hopper stated that the trigger for eliminating this temporary access would be the development of either of the Clayton properties, to the north or south of SR 426.

As for other pertinent details about the project, the following information has been supplied to staff:

- All units will have 3 bedrooms and 2 baths, and will range in size from 1,400 to 2,200 square feet
- All units will be 2-story townhomes to be sold fee-simple.
- All units will have a 2-car garage.
- Supplemental guest parking will be provided.

Staff has no objections to the access plan as proposed by the applicant, and we find that the requested revisions are consistent with the HIP future land use designation, compatible with surrounding land uses, and reasonable and appropriate to the area. Staff recommends approval of the major amendment subject to the conditions listed in the draft Development Order.

Mr. Hopper stated that the developer must obtain permission for the proposed temporary access from the State Department of Transportation. The proposed temporary access must be indicated as such on covenants and sales and marketing material.

Mr. Hopper stated that the developer must retain a corridor across the commercial area of the development for a possible road entrance to the development.

Clarifying information presented earlier by Staff, Ron Henson of Design Services Group said that Ryland Homes will be doing townhomes of 1,320 to 1,640 square foot townhomes (exclusive of garages) with 2 car garages for interior parking. The attached garages will be located in the rear of the property, accessed by rear alleys with a 20 foot clearance. The development will not be gated. This will meet Fire Department requirements. There will be 2 access points for the 100 units. Also, there will be a pedestrian path throughout the development. The lots will be 25 feet by 115 feet.

Commissioner Tucker asked if the project would have fee simple homes.

Mr. Hansen said they would be fee simple. The current proposal is much less dense than previous proposals.

Commissioner Tucker asked if the 1,320 square feet was gross area, or habitable living space.

Mr. Hansen said that it was under air, exclusive of the garage. Outside lots will be 30 feet. Each home will have a private courtyard between the garage and 2 story house. He said that the development will have a pool and tot lot.

Commissioner Hattaway asked about the open space. Will there be 25 percent open space?

Mr. Hansen said that this project exceeds the open space requirements by having the open space shifted to each lot as private space.

Mr. West stated that this project is before the P&Z due to pending litigation.

Commissioner Tucker asked for clarification on the lawsuit.

Karen Consalo stated that the applicant, Mike Jones, is representing Ireland and Clayton, and has filed a complaint about the lack of approval. The lawsuit will be pending the approval. If approved, it will not progress.

Mr. West stated that at the November 18th BCC meeting the staff discussed the number of units as a concern, as well as the method of access. The BCC stated at the Dec 9th meeting the only issues to be addressed were access and total number of units.

Commissioner Hattaway stated that they were being asked to approve something that is tied to another project that is not before the Commission tonight. Commissioner Hattaway asked for the open space percentage.

Mr. West stated that the projects (Deep Lake & S. Tuskawilla PUD) are linked due to the open space and access. The two issues to be decided are only access and the number of units. There was much more information being presented than what was required.

Commissioner Hattaway said that the concerns are for the usable common areas. The ideas going on were substantial concerns of the people.

Mr. Henson said that the common space had been shifted to private space. The plan provides front yards of 20 feet in the front and a courtyard in the rear. By reconfiguring the lots, there is 26.8 percent open space provided.

Mr. West said that the plan needs 25 percent common usable open space. This would be verified at the time of final master plan approval.

The Chairman now opened the public hearing.

Wendy Saliga of 3055 South Tuskawilla Road, Oviedo, asked what the commercial tract was going to be zoned. She wants C-1 Commercial zoning. She wanted the building s staggered. What is the traffic situation? She also wanted to know who Mike Jones was representing. She also wanted natural buffers, with no removal of trees.

Peter Acks of 5780 Deep Lake Road is concerned for the density and drainage of the project. Originally there were 65 units approved. What about the drainage now? He wants to know about the access. Will there be 3 roads? With the previous applicants, there was a release of the easement.

In rebuttal, Ron Henson said that as to access, people have tried to work with the Claytons, but they do not have an executed easement with the Claytons, hence the temporary road, until the Clayton property is developed. The change will come when the traffic signal is installed. The County has approved the project to the south. You cannot do more without condemning the property. There will be a 50 foot buffer and a masonry wall along the Saliga property. This will be a dedicated conservation easement. No trees will be removed. The developer has tried to meet every concern that the public has expressed in the past.

There were no questions from the Board.

Commissioner Mahoney made a motion to recommend approval of the Preliminary Master Plan as presented with Staff recommendation, with a further commitment as to showing a road alignment through the commercial property for the possible west access.

Commissioner Harris seconded the motion.

Commissioner Hattaway stated that this is more density than anticipated. She would not vote in favor of the request.

Commissioner Tucker stated that he is concerned with the traffic impact of the project. If the Clayton property and the combined projects come through, how would this impact the traffic?

Mahmoud Najda, Manager of Development Review Division, stated that Staff had a meeting with the developer and representatives of the DOT, which will be the final arbiter on the project. The project will meet DOT standards. If either Clayton project comes in, the developer stated that the access will be moved to the west.

Commissioner Tucker said that such an alignment would create a right – in, right out access for 235 homes.

Mr. Najda said that such an impact would not be significant, since the stacking would be internal to the development. There are 28,158 trips per day on the road now.

The potential is to grow to 48,000 trips. The traffic signal that is proposed will be able to handle the volume.

Commissioner Tucker asked how one would make a turn to the west from the development. One would have to go almost down to Dean Road to make a U-turn. Is that good planning?

Mr. Najda stated that the staff was not planning that; they were accepting the situation.

Commissioner Dorworth asked Mr. West about the open space provisions.

Mr. West stated that the 25 percent open space was to be part of the Final Master Plan provisions when they come back. There is no commitment on the part of the Staff to the lot layout seen on the plan.

Commissioner Mahoney said that there was no commitment from the P&Z members to this plan either. The plan is not binding.

Mr. West said that this is conceptual only.

Mr. Mahoney said that the plan was not part of the motion.

The vote was 4 – 3 in favor of the motion. Commissioners Peltz, Hattaway, and Tucker voted “no.”

PLANNING MANAGER’S REPORT:

The following dates were proposed for the schedule of meeting for the Commission for the 2004 year:

January 7, 2004, February 4, 2004, March 3, 2004, April 7, 2004, May 5, 2004, May 5, 2004, June 2, 2004, July 7, 2004, August 4, 2004, September 1, 2004, October 6, 2004, November 3, 2004, and December 1, 2004.

There being no further business, the meeting was adjourned at 8:45 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson
Secretary